

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JULIUS DAVIS, JR.,

Plaintiff,

v.

SHERIFF MICHAEL SHEAHAN,
Officially, SGT. WALDEN, SGT.
NAVARETTE, OFFICER
MOORES MAN, OFFICER MALLOY,
and OFFICER PIOLAMAR,
Individually,

Defendants.

Case No.

01C 4198

JUDGE

JUDGE GETTLEMAN

JURY DEMAND

MAGISTRATE JUDGE NOLAN

DOCKETED
JUN 06 2001

COMPLAINT

NOW COMES the Plaintiff, JULIUS DAVIS, JR., by and through his attorneys,
GREGORY E. KULIS AND ASSOCIATES, and complaining against the Defendants,
SHERIFF MICHAEL SHEAHAN, Officially, SGT. WALDEN, SGT. NAVARETTE,
OFFICER MALLOY, OFFICER MOORES MAN, and OFFICER PIOLAMAR,
Individually, as follows:

COUNT I-EXCESSIVE FORCE

1) This action is brought pursuant to the laws of the United States
Constitution specifically, 42 U.S.C. §1983 and §1988 and the laws of the State of Illinois
to redress deprivations of civil rights of the Plaintiff accomplished by acts or omissions of
the Defendants committed under color of law.

2) Jurisdiction is based on Title 28 U.S.C §1331 and §1343;

3) Plaintiff at all relevant times was a United States citizen and incarcerated
in Cook County Jail at 2700 South California, Chicago, Illinois in Division IX;

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U.S. DISTRICT COURT

4) The Defendants, Sgt. Walden, Sgt. Navarette, Officer Mooresman, Officer Malloy, Officer Piolamar, and John Does 1-10, were duly appointed Cook County Correctional Officers acting within their scope of employment and under color of law;

5) That on or about May 25, 2001, the Plaintiff was housed in Division IX;

6) On said date, Julius Davis requested to see a sergeant due to an incident;

7) Sgt. Walden arrived on the scene with the other Defendants;

8) Without any just cause or provocation, Defendant Walden struck the Plaintiff;

9) After instructions from another sergeant the other Defendants along with other unknown officers began to strike and beat the Plaintiff;

10) That at all relevant times the Defendants were acting pursuant to customs and policies of the Cook County Department of Corrections;

11) The force used was unprovoked, unnecessary, unreasonable and excessive;

12) The Plaintiff was injured and required medical care;

13) That the actions of the Defendants were done intentionally, willfully and with malice;

14) That said actions of the Defendants violated the Plaintiff's Fourth, Eighth and Fourteenth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C. §1983.

15) As a direct and proximate consequence of said conduct of the Defendants, the Plaintiff suffered violations of his constitutional rights, emotional anxiety, fear, mental trauma, humiliation, insult, pain and suffering.

WHEREFORE, the Plaintiff, JULIUS DAVIS, JR., prays for judgment in his favor and against the Defendants, SGT. WALDEN, SGT. NAVARETTE, OFFICER MOORESMAN, OFFICER MALLOY and OFFICER PIOLAMAR in excess of FIFTY THOUSAND AND 00/100 DOLLARS compensatory damages and TWENTY-FIVE THOUSAND AND 00/100 (\$25,000.00) DOLLARS punitive damages plus costs.

COUNT II
FAILURE TO INTERVENE

1-12) The Plaintiff hereby realleges and incorporates the allegations of paragraphs 1-12 of Count I as his respective allegations of paragraphs 1-12 of Count II as though fully set forth herein.

13) The Defendants stood by and allowed the beating to take place and failed to intervene.

14) The actions of the Defendants were intentional willful and wanton;

15) That said actions of the Defendants violated the Plaintiff's Fourth, Eighth and Fourteenth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C. §1983.

16) As a direct and proximate consequence of said conduct of the Defendants, the Plaintiff suffered violations of his constitutional rights, emotional anxiety, fear, mental trauma, humiliation, insult, pain and suffering.

WHEREFORE, the Plaintiff, JULIUS DAVIS, JR., prays for judgment in his favor and against the Defendants, SGT. WALDEN, SGT. NAVARETTE, OFFICER MOORESMAN, OFFICER MALLOY and OFFICER PIOLAMAR in excess of FIFTY THOUSAND AND 00/100 DOLLARS compensatory damages and TWENTY-FIVE THOUSAND AND 00/100 (\$25,000.00) DOLLARS punitive damages plus costs.

COUNT III
FAILURE TO PROVIDE MEDICAL CARE

1-12) The Plaintiff hereby realleges and incorporates the allegations of paragraphs 1-12 of Count II as his respective allegations of paragraphs 1-12 of Count III as though fully set forth herein.

13) Due to the incident, the Plaintiff needed additional medical care;

14) Additional medical care was scheduled;

15) The staff in Division IX, specifically Officer Malloy and others, refused to provide the Plaintiff medical care;

16) This failure to provide medical care constituted a violation of the Plaintiff's Fourth, Eighth and Fourteenth Amendment Rights of the United States Constitution and protected under 42 U.S.C. §1983;

17) The actions of the Defendants were done intentionally and willfully;

18) As a direct and proximate consequence of said conduct of the Defendant, the Plaintiff suffered violations of his constitutional rights, emotional anxiety, fear, mental trauma, humiliation, insult, pain and suffering.

WHEREFORE, the Plaintiff, JULIUS DAVIS, JR., prays for judgment in his favor and against the Defendant, OFFICER MALLOY, in excess of FIFTY THOUSAND AND 00/100 DOLLARS compensatory damages and TWENTY-FIVE THOUSAND AND 00/100 (\$25,000.00) DOLLARS punitive damages plus costs.

COUNT IV
PRACTICE AND POLICY
MICHAEL SHEAHAN, OFFICIALLY

1-16) The Plaintiff hereby realleges and incorporates his allegations of paragraph 1-16 of Count III as his respective allegations of paragraphs 1-16 of Count IV

as though fully set forth herein;

17) The Sheriff of Cook County, Michael Sheahan, is officially responsible for the care and custody of the detainees at Cook County Jail and for setting customs, practices and policy;

18) Sheriff Michael Sheahan has allowed a custom, practice and policy to exist whereby:

- a) Supervisory personnel are allowed to remain employed and in supervisory positions after being disciplined for excessive force cases;
- b) Detainees who are injured are deprived medical care to cover up the incident;

19) This custom, practice and policy was a contributory force behind the unlawful acts against the Plaintiff and facilitated these acts;

20) Said custom, practice and policy violated the Plaintiff's Fourth, Eighth and Fourteenth Amendment Rights of the United States Constitution and were violation of said rights protected by 42 U.S.C. §1983;

21) As a direct and proximate consequence of said conduct of the Defendant, the Plaintiff suffered violations of his constitutional rights, emotional anxiety, fear, mental trauma, humiliation, insult, pain and suffering.

WHEREFORE, the Plaintiff, JULIUS DAVIS, JR., prays for judgment in his favor and against the Defendant, SHERIFF MICHAEL SHEAHAN, Officially, in excess of FIFTY THOUSAND AND 00/100 DOLLARS compensatory damages.

JURY DEMAND

The Plaintiff, JULIUS DAVIS, JR., requests trial by jury.

Respectfully submitted,
JULIUS DAVIS, JR.,

By: 

GREGORY E. KULIS AND ASSOCIATES
Attorneys for the Plaintiff

GREGORY E. KULIS AND ASSOCIATES
30 North LaSalle Street
Suite 2140
Chicago, Illinois 60602
(312) 580-1830

JS 44
(Rev. 12/96)**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

JULIUS DAVIS, JR.,

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Cook
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
GREGORY E. KULIS & ASSOCIATES
30 N. LaSalle Street, Suite 2140
Chicago, Illinois 60602

DEFENDANTS

SHERIFF MICHAEL SHEAHAN, Officially,
SGT. WALDEN, SGT. NAVARETTE, OFFICER
MOORESMAN, OFFICER MALLOY, and OFFICER
PIOLAMAR, Individually,

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Cook

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

DOCKETED

JUN 06 2001

01C 4198
JUDGE GETTLEMAN**MAGISTRATE JUDGE NOLAN****II. BASIS OF JURISDICTION** (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice Act <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 CMI Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSDI Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

VIOLATION OF 42 U.S.C. Section 1983

VII. REQUESTED IN COMPLAINT

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: YES ☐ NO ☐

VIII. This case ☒ is not a refiling of a previously dismissed action.

☐ is a refiling of case number _____, previously dismissed by Judge _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

6/4/01 Gregory E. Kulis & Associates

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

DOCKETED
JUN 06 2001
01C 4198

In the Matter of **JULIUS DAVIS, JR.,**
 Plaintiff,
 v.
SHERIFF MICHAEL SHEAHAN, Officially, SGT.
WALDEN, SGT. NAVARETTE, OFFICER MOORESMAH,
OFFICER MALLOY, and OFFICER PIOLAMAR, Individually,
 Defendants.

Case Number:

JUDGE GETTLEMAN

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

JULIUS DAVIS, JR.

MAGISTRATE JUDGE NOLAN

(A)	(B)
SIGNATURE <i>Gregory E. Kulis</i>	SIGNATURE <i>Kathleen Coyne Ropka</i>
NAME Gregory E. Kulis	NAME Kathleen Coyne Ropka
FIRM Gregory E. Kulis and Associates	FIRM Gregory E. Kulis and Associates
STREET ADDRESS 30 N. LaSalle Street, Suite 2140	STREET ADDRESS 30 N. LaSalle Street, Suite 2140
CITY/STATE/ZIP Chicago, Illinois 60602	CITY/STATE/ZIP Chicago, Illinois 60602
TELEPHONE NUMBER 312/580-1830	TELEPHONE NUMBER 312/580-1830
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) state of Illinois 6180966	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>
	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>
(C)	(D)
SIGNATURE <i>Shehnaz I. Mansuri</i>	SIGNATURE
NAME Shehnaz I. Mansuri	NAME
FIRM Gregory E. Kulis and Associates	FIRM
STREET ADDRESS 30 N. LaSalle Street, Suite 2140	STREET ADDRESS
CITY/STATE/ZIP Chicago, Illinois 60602	CITY/STATE/ZIP
TELEPHONE NUMBER 312/580-1830	TELEPHONE NUMBER
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE.

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 U.S. DISTRICT COURT

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